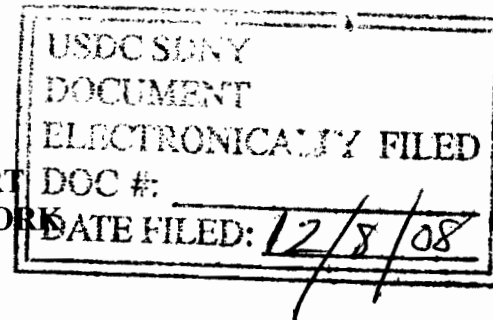


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

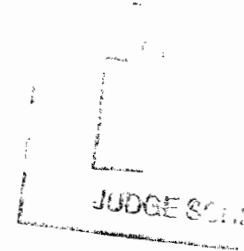


IN RE: METHYL-TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION

MDL 1358
Master File C.A. No. 1:00-1898 (SAS)
M21 - 88

This Document Relates to:

*City of New York v. Amerada Hess Corp., et
al.,*



Pre-Trial Order No.
(Application of Revised Confidentiality Order to
Production of Documents or Things Pursuant to the Pipeline Subpoenas)

WHEREAS certain Parties in the above-captioned action have issued Rule 45 subpoenas on Colonial Pipeline Company, Sunoco Logistics Partners L.P, Buckeye Partners LLP (collectively, the "Subpoenaed Parties") for deposition testimony, documents, information or other things relating to certain common carrier pipelines (the "Pipeline Subpoenas"); and

WHEREAS the documents, information or other things sought in the Pipeline Subpoenas may contain confidential information including, but not limited to, the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to such common carrier pipelines for interstate transportation; and

WHEREAS such confidential information may be subject to limitations on disclosure pursuant to Section 15(13) of the Interstate Commerce Act;


Therefore, it is hereby ORDERED that the provisions of the Revised Confidentiality Order (“RCO”) entered by the Court on September 24, 2004, as amended by Stipulation and Order entered by the Court on December 1, 2008, in *In Re MTBE Products Liability Litigation*, MDL No. 1358, (Exhibit A), regarding the production and disclosure of confidential documents, information or other things shall apply to the documents, information or other things produced or disclosed by pipeline companies in response to any of the Subpoenaed Parties pursuant to the terms set forth below:

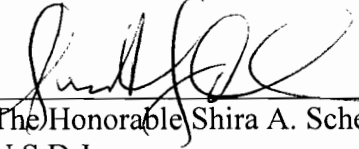
(1) Any documents, information or other things produced or disclosed by the Subpoenaed Parties pursuant to the Pipeline Subpoenas may be produced or disclosed with the Confidentiality Designations set forth in the RCO (*i.e.*, “CONFIDENTIAL (per 2004 MDL 1358 Order)” or “CONFIDENTIAL MATERIALS (per 2004 MDL 1358 Order) -- FOR OUTSIDE COUNSEL ONLY”) where such documents, information or other things are subject to limitations on disclosure pursuant to Section 15(13) of the Interstate Commerce Act or otherwise contain a trade secret or other confidential research, development or commercial information as those terms are used in Rule 26(c)(7) of the Federal Rules of Civil Procedure, including but not limited to the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to such common carrier pipelines for interstate transportation;

(2) The Subpoenaed Parties need not abide by those portions of the RCO relating to “Approved Copying Service[s],” provided that the Subpoenaed Parties and the Parties issuing Subpoenas make alternate, mutually agreeable arrangements for the copying of documents or things produced or disclosed pursuant to the Pipeline Subpoenas; and

(3) The terms of this Order and the RCO with respect to any documents, information or other things produced or disclosed by the Subpoenaed Parties pursuant to the Pipeline Subpoenas shall be binding upon all parties to the above-captioned action and any other persons who have agreed to be bound by the RCO.

IT IS SO ORDERED.

Dated: December , 2008
New York, NY



The Honorable Shira A. Scheindlin
U.S.D.J.